



Agenda Date: 1/27/16
Agenda Item: VIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

RELIABILITY & SECURITY

IN THE MATTER OF ALLEGED VIOLATIONS OF THE)
UNDERGROUND FACILITY PROTECTION ACT,)
N.J.S.A. 48:2-73 ET. SEQ.)
)
) DOCKET NOs. GS15121399K et. al.
) (see attached appendix)

Parties of Record:

- Nick Depoto, Manager**, Elizabethtown Gas
- John F. Stanziola, Manager**, South Jersey Gas
- Frank Coriano, Manager**, Public Service Electric and Gas Company
- Ralph Hillmer, Manager**, Jersey Central Power and Light

BY THE BOARD:

The Board of Public Utilities (“Board”) has jurisdiction to oversee and enforce the provisions of the Underground Facility Protection Act (“the Act”) pursuant to the provisions set forth in N.J.S.A. 48:2-73, et seq. The primary purpose of the Act is to establish the One-Call Damage Prevention System for the protection of underground facilities that are used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, traffic control, or for the transportation of a hazardous liquid. In declaring its findings and the purpose of the Act, the Legislature stated, in pertinent part:

That damage to underground facilities caused by excavation and the discharge of explosives poses a significant risk to the public safety; that such damage to underground natural gas facilities poses a substantial risk to the public safety; and that the implementation of a comprehensive One-Call Damage Prevention System can substantially reduce the frequency of damage caused by these activities.

The Legislature therefore determines that it is in the public interest for the State to require all operators of underground facilities to participate in a One-Call Damage Prevention System and to require all excavators to notify the One-Call Damage Prevention System prior to excavation or demolition. N.J.S.A. 48:2-74.

The Act defines “excavator” as “any person performing excavation or demolition,” and “operator” as “a person owning or operating, or controlling the operation of, an underground facility...” N.J.S.A. 48:2-75.

The Act subjects violators of its provisions to civil penalties of not less than \$1,000.00 and not more than \$2,500.00 per violation per day, not to exceed \$25,000.00 for any related series of violations. N.J.S.A. 48:2-88(a). Violations relating to natural gas or hazardous liquid underground pipelines or distribution facilities shall subject the violator to civil penalties not to exceed \$100,000.00 per violation per day and not to exceed \$1,000,000.00 for any related series of violations. In addition, a violator may be assessed the cost of any Board investigation, inspection or monitoring survey which leads to the establishment of a violation and for the reasonable costs of preparing and litigating the matter. N.J.S.A. 48:2-86(b)(2).

Following reports of failure to call the System prior to commencing excavation or demolition activities, failure to hand dig and locate facilities, failure to use reasonable care, or reports of failure to mark out underground facilities or properly mark them, Board Staff contacted the entities listed on the attached Appendix and informed them of the date and location of the alleged violations, also listed on the Appendix.

In an attempt to resolve these matters, each excavator or operator listed on the Appendix has submitted an Offer of Settlement to the Board for its consideration. Each such Offer of Settlement is summarized in the Appendix. The Offers of Settlement were made available to the Board for its review. After consideration of the matters, the Board **HEREBY FINDS** these Offers of Settlement to be reasonable and in the public interest, and **HEREBY ACCEPTS** these Offers of Settlement in full satisfaction of the above referenced alleged violations of the Act.

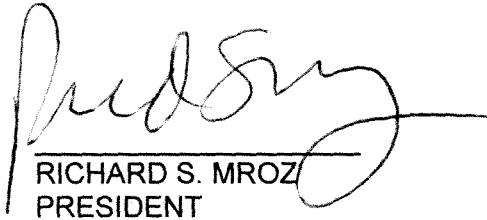
By acceptance of the various Offers of Settlement and the timely payment thereof, the excavator or operator has waived any rights to a hearing, and the Board has waived any rights to bring an action for civil penalties as permitted by the Underground Facility Protection Act in connection with the above-referenced alleged violations of the Act. It must also be noted that the acceptance of the Offers of Settlement are for settlement purposes only, and apply strictly to the specific incidents described in the Appendix. This acceptance is without prejudice as to the position of the State of New Jersey or any agency or subdivision thereof if other violations are present, now or in the future.

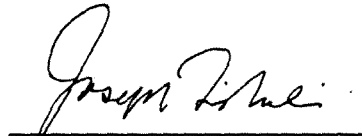
This Order shall be effective on February 6, 2016.

NO FURTHER ACTION BY THE RESPONDENTS IS REQUIRED.

DATED: *Jan 28, 2016*


BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

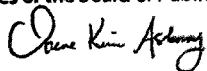

MARYANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities



**IN THE MATTER OF ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY
PROTECTION ACT, N.J.S.A. 48:2-73 ET SEQ. ORDER ACCEPTING SETTLEMENTS
DOCKET NOs. GS15121399K et al. (see attached appendix)**

SERVICE LIST

Nick Depoto
Elizabethtown Gas
520 Green Lane
Union, NJ 07083

John F. Stanziola
South Jersey Gas
1 South Jersey Plaza
Folsom, NJ 08037

Frank Coriano
Public Service Electric and Gas Company
410 Silver Lake Rd,
Edison, NJ 08817

Ralph Hillmer
Jersey Central Power and Light
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IN THE MATTER OF:
 ALLEGED VIOLATIONS OF THE UNDERGROUND FACILITY PROTECTION ACT,
 N.J.S.A. 48:2-73 ET.SEQ. ORDER ACCEPTING SETTLEMENTS

Bureau of One Call - Settlements -APPENDIX-January VIB 2016

Damage Type	BPU Dkt No.	One Call Case No.	Type of Violation	Penalty	Operator	Excavator	Violation Date	Description/Location	Payment Received
Damage, Gas	GS15121399K	GOC2015-0164	Did not properly mark out.	\$3,000	Elizabethtown Gas		3/20/2015	Hamilton St., Rahway	11/19/2015
Damage, Gas	GS15121417K	GOC2015-0382	Did not properly mark out.	\$3,000	South Jersey Gas		4/15/2015	Central Ave., Ocean City	11/24/2015
Damage, Gas	GS15121419K	GOC2015-0027	Did not properly mark out.	\$3,000	South Jersey Gas		1/7/2015	Reega & Cates Rd., Hamilton Twp.	11/24/2015
Damage, Gas	GS15121419K	GOC2015-0269	Did not properly mark out.	\$3,000	PSE&G		3/31/2015	Old Cheesequake Rd., Sayerville	11/19/2015
Damage, Electric	ES15121420K	EOC2014-0122	Did not properly mark out. Non-gas damage	\$2,000	JCP&L		9/3/2015	Preakness Circle, Somerville	11/17/2015
Damage, Gas	GS15121416K	GOC2015-0153	Did not properly mark out.	\$3,000	South Jersey Gas		3/2/2015	Tuckahoe Rd., Buena Twp.	11/24/2015
Damage, Gas	GS15121398K	GOC2015-0142	Did not properly mark out.	\$3,000	Elizabethtown Gas		3/11/2015	May Terrace, Vauxhall	11/19/2015
Damage, Gas	GS15121397L	GOC2015-0225	Did not properly mark out.	\$3,000	PSE&G		3/30/2015	Toth Ln., Montgomery	11/13/2015
Damage, Gas	GS15121396K	GOC2015-0010	Did not properly mark out.	\$3,000	PSE&G		1/4/2015	Washington Terrace, Leonia	11/6/2015
Damage, Gas	GS15121415K	GOC2015-0399	Did not properly mark out.	\$3,000	South Jersey Gas		4/22/2015	Dawson Dr., Upper Deerfield	11/24/2015
Damage, Electric	ES15121363K	EOC2014-0117	Did not properly mark out. Non-gas damage	\$2,000	JCP&L		8/21/2015	Newark Ave., Manchester Twp.	10/23/2015
Damage, Gas	GS15121385K	GOC2015-1030	Did not properly mark out.	\$3,000	South Jersey Gas		7/20/2015	Mill Rd. Absecon	11/5/2015
Damage, Gas	GS15121386K	GOC2015-0492	Did not properly mark out.	\$3,000	PSE&G		5/8/2015	Weiss Ave., Greenwich Twp.	10/30/2015
Damage, Gas	GS15121387K	GOC2015-0220	Did not properly mark out.	\$3,000	PSE&G		3/26/2015	Roosevelt Ave., Dumont	10/29/2015
Damage, Gas	GS15121388K	GOC2015-0216	Did not properly mark out.	\$3,000	PSE&G		3/23/2015	5th St., North Arlington	10/29/2015
Total	15			\$43,000					